

REMARKS

Applicants acknowledge, with appreciation, the allowance of independent claim 16, and the indication that claims 6, 8-11, 22-25, 31-34, 39, 41-49, 54, 60, 67 and 77-88 contain allowable subject matter. Claims 1-88 are pending, with claims 1, 16 and 17 being the independent claims. Reconsideration of the application is respectfully requested.

Claims 1, 2, 4, 13-15, 17, 19, 26, 50, 52, 56, 58, 62, 63, 65, 69, 70, 73, 76 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,275,487 ("*Szalajski*"), while claims 3, 27, 51, 57 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Szalajski* in view of U.S. Patent No. 6,347,083 ("*Noshino*"). Claims 5, 7, 12, 18, 20, 21, 28, 30, 35, 37, 38, 40, 53, 55, 59, 61, 66, 68, 71, 72, 74, 75 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Szalajski* in view of U.S. Patent No. 6,498,785 ("*Derryberry*"). Claims 29 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Szalajski* in view of *Noshino*, and further in view of *Derryberry*.

The invention recited in independent claim 1 is directed to a method of controlling power with which information is transmitted by a first a station to a plurality of second stations on a common channel, with different information being intended for different stations. The claimed method of independent claim 1 comprises the step of transmitting information in the common channel, wherein information intended for different mobile stations [is] transmitted at different power levels (see pg. 2, line 33 thru pg. 3, line 6 of the specification). The "common channel" recited in independent claim 1 is defined at page 6, lines 5-12 of the specification. This term refers to a specific type of a channel, i.e. a logical channel in either an uplink or downlink direction, which is shared between a plurality of mobile stations.

Szalajski relates to the transmission of a BCCH carrier by a base station of a digital cellular mobile radio system. *Szalajski* states, the BCCH carrier is segmented temporally into frames, which are each divided into a particular number $N_{sub.IT}$ of time slots. The BCCH carrier supports a physical BCCH, itself carrying at least one logical BCCH transmitting BCCH information. However, *Szalajski* fails to teach that “information intended for different second stations [is] transmitted at different power levels,” as recited in independent method claim 1. Put differently, *Szalajski* fails to teach that transmissions on a channel can be transmitted using different power levels for different recipients.

The Office Action (page 2) states:

Szalajski teaches a method of controlling power with which information is transmitted by a first a station to a plurality of second stations on a ***common channel***, different information being intended for different stations, said method comprising the step of transmitting said information in ***said common channel***, wherein information intended for different second stations are ***transmitted at different power levels*** (*Szalajski* see col. 2, line 56 - col 3, line 20). [Emphasis Added]

With respect to the foregoing statement, independent claim 1 recites the term “common channel”. Col. 2, line 56 thru col. 3, line 20 of *Szalajski* describes a BCCH carrier. A key difference between *Szalajski* and the present claimed invention is *Szalajski* only teaches that transmissions on a physical carrier can be transmitted using power levels that differ (see col. 3, lines 20-23).

Szalajski states each carrier in conventional systems is segmented temporally using a fixed time-division multiple access (TDMA) scheme. The time axis is divided into successive frames of fixed duration each divided into a particular number of time slots, wherein the recurrence of a particular time slot in each frame constitutes a physical channel onto which a plurality of logical channels can be multiplexed (see col. 1, lines 32-48).

Szalajski also states an uplink BCCH carrier (transmitted by the mobile station) generally supports a logical traffic channel (TCH) which is used to transmit user data or speech, and a logical random access channel (RACH) which a mobile station uses to access the network in order to log on in a cell or to make a call (see col. 1, lines 39-44). The downlink BCCH carrier (transmitted by the base station) supports one or more traffic channels multiplexed onto one or more physical channels, along with other signaling channels, which are generally multiplexed onto a physical channel consisting of the recurring first time slot of each frame (see col. 1, lines 46-50). In *Szalajski*, each time the BCCH is mentioned, it is done so in the context of a “carrier.”

A “carrier” is not equal to a “channel,” nor are these terms analogous to each other. Both the current application and *Szalajski* describe systems in which a carrier carries a plurality of channels, whereby the terms “channel” and “carrier” refer to different technical concepts whose differences cannot be overlooked. A “common channel” is a specific type of channel, i.e. a logical channel in either an uplink or downlink direction, which is shared between a plurality of mobile stations.

Col. 1, line 42 of *Szalajski* discloses channels, e.g. a RACH channel. It is well known in the art that a RACH is a common channel. This is also described at page 6, lines 5-9 of the current specification. Hence, *Szalajski* teaches common channels. However, *Szalajski* fails to teach or suggest the use of different power levels within a single common channel, as recited in independent claim 1. In view of the foregoing, *Szalajski* fails to teach the invention set forth in independent method claim 1, and therefore reconsideration and withdrawal of the rejection under 35 U.S.C. 102(e) is in order, and a notice to that effect is earnestly solicited.

Noshino relates to an apparatus applicable to a CDMA system for controlling the transmission power of a mobile communication terminal. *Noshino* (col. 2, lines 5-11) states,

transmission power control apparatus determines, with each of signals received from a plurality of terminals, a difference between a power ratio to a total power and a requested value, and control a transmission power to be requested of an associated one of the plurality of terminals on the basis of the difference. However, *Noshino* fails to cure the deficiency of *Szalajski*. Specifically, *Noshino* fails to teach that “information intended for different second stations [is] transmitted at different power levels,” as recited in independent method claim 1. As a result, the combination of *Szalajski* and *Noshino* fails to teach the invention recited in independent method claim 1.

Derryberry relates to a method and apparatus for power control on a channel that is shared by multiple mobile stations transmitting to base stations in a telecommunication system. According to *Derryberry*, the mobile stations may share the channel in the random access mode. The method and apparatus allows the system to set an initial mobile station transmission power level and may be efficiently applied on a channel that carries a transmission in one or more bursts, with each burst including the same or a varying number of frames of varying sizes. The method and apparatus utilizes a common channel that is shared by multiple mobile stations for transmitting the power control signaling from the base station to the mobile station (see col. 4, lines 17-24). However, *Derryberry* fails to cure the deficiency of the system defined by the combination of *Szalajski* and *Noshino*. That is, *Derryberry* also fails to teach that “information intended for different second stations [is] transmitted at different power levels,” as recited in independent claim 1. Accordingly, independent claims 1 and 17 are patentable over the combination of *Szalajski*, *Noshino* and *Derryberry*, and therefore reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are requested, and a notice to that effect is earnestly solicited.


Independent claim 17 is the system claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 17 is patentable over the combination of *Szalajski*, *Noshino* and *Derryberry* for the reasons discussed above with respect to independent method claim 1.

In view of the patentability of independent claims 1 and 17, for the reasons above, dependent claims 2-16, and 18-88 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is requested.

Respectfully submitted,

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